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10 Attorneys for Plaintiffs

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13 **(SAN FRANCISCO DIVISION)**

14 **In re: Bextra and Celebrex Marketing Sales**
15 **Practices and Product Liability Litigation**

16 **MDL No. 1699**

17 **District Judge: Charles R. Breyer**
18 **Magistrate:**

19 **DANIEL VISHER, individually,**

20 **Plaintiff,**

21 **v.**

22 **PFIZER, INC., PHARMACIA CORP., and**
23 **G.D. SEARLE & CO.,**

24 **Defendants.**

25 **Case No. C 07 1827 CRB**

26 **STIPULATION AND ~~PROPOSED~~**
27 **ORDER OF DISMISSAL WITHOUT**
28 **PREJUDICE AS TO PLAINTIFF DANIEL**
VISHER, INDIVIDUALLY

29 Comes now the Plaintiff, Daniel Visher, individually ("Plaintiff"), and Defendants Pfizer,
30 Inc., Pharmacia, Corp., and G.D. Searle & Co. ("Defendants"), by and through the undersigned
31 attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby stipulate to the
32 dismissal of the plaintiff Daniel Visher's claims without prejudice with each side bearing its own
33 attorneys' fees and costs.

34 This Stipulation and Order, does not affect any claims on behalf of the following named
35 Plaintiffs:

1. Louis Maclean, Case No. C 07 1827 CRB
 2. Shirley Motley, Case No. C 07 1827 CRB
 3. Elmer Murry, Case No. C 07 1827 CRB
 4. Odis Payne, Case No. C 07 1827 CRB
 5. Dolly Price, Case No. C 07 1827 CRB
 6. Carmen Pomales, Case No. C 07 1827 CRB
 7. John Slaybaugh, Case No. C 07 1827 CRB
 8. Greg Rhoades, Case No. C 07 1827 CRB
 9. Ardella Sims, Case No. C 07 1827 CRB
 10. Katherine Sinnett, Case No. C 07 1827 CRB
 11. William Skipper, Case No. C 07 1827 CRB
 12. Charles Tautfest, Case No. C 07 1827 CRB
 13. Jerry Trussel, Case No. C 07 1827 CRB
 14. John Vasquez, Case No. C 07 1827 CRB
 15. Danny Ward, Case No. C 07 1827 CRB
 16. Betty Weyand, Case No. C 07 1827 CRB
 17. Monica Williams, Case No. C 07 1827 CRB
 18. Veronica Carloss Crow on behalf of Estate of Dewey Carloss, Case No. C 07 1827
CRB
 19. Mary S. Malone on behalf of the Estate of Bobby Malone, Case No. C 07 1827 CRB
 20. Belinda Taylor on behalf of the Estate of Robert Taylor, Case No. C 07 1827 CRB
 21. Vikki L. Wells on behalf of the Estate of Dwight Wells, SR, Case No. C 07 1827 CRB
- Plaintiff agrees to re-file any and all claims against Defendants, in a United States District

1 Court.

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4 Dated: August 14, 2007

5 Respectfully submitted

6 By: Stuart M. Gordon

7 Stuart M. Gordon, Esq.
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12 Telephone: (415) 986-5900
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14 Attorney for the Defendants

Dated: August 14, 2007

Respectfully submitted

By: B. Kristian W. Rasmussen, III

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Attorneys for Plaintiff

17 **ORDER OF DISMISSAL WITHOUT PREJUDICE**

18 THIS MATTER having come before this Court on the Parties Stipulation of Dismissal,
19 pursuant to Federal Rule of Civil Procedure 41(a), it is hereby ORDERED AND ADJUDGED:

20 This matter is dismissed without prejudice with each side bearing its own attorneys' fees
21 and costs.

22 DONE AND ORDERED this 22 day of August, 2007, in San Francisco,
23 California.

24 Conformed copies to:
25 B. Kristian W. Rasmussen, Esquire
26 Stuart M. Gordon, Esquire
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